



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET- SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

May 25, 2004

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7003 2260 0001 7777 7392

Mark Pifher, Director
Water Quality Control Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

NOTICE OF VIOLATION
Docket No. **SDWA-08-2004-0029**

Re: Somerset WD Public Water System
Gunnison County, Colorado
PWS ID# CO0126718

Dear Mr. Pifher:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f, ~~et seq.~~ and the National Primary Drinking Water Regulations at 40 CFR Part 141. The violations consist of failure to install filtration and disinfection within eighteen months of being notified by the State that the system's groundwater source is under the direct influence of surface water; failure to notify the State of Colorado of these violations; and failure to provide public notice of the violations to persons served by this public water system. Our records, obtained from the Colorado Department of Public Health and Environment (CDPHE), indicate the violations noted below.

Date of
Violation

Violation

June 2002 - December 20, present of drinking	Failure to install filtration and disinfection following notification, in a 2000 letter from CDPHE, that the system's groundwater source water is under the direct influence of surface water. (40 C.F.R. §§ 141.70(a) and 141.73)
2002-2004	Failure to provide public notice of the violation. (40 C.F.R. § 141.201)
2002	Failure to notify the state of the violation. (40 C.F.R. § 141.31(b))

This NOTICE OF VIOLATION is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. Section 300g-3(a). If the State does not commence an appropriate enforcement action within 30 days from the receipt of this notification, the EPA will be authorized either (1) to issue an Administrative Order under Section 1414(g) of the SDWA requiring the public water system to comply with the regulations or requirements or (2) to commence a civil action under Section 1414(b) of the SDWA.

A copy of this NOTICE OF VIOLATION is being sent concurrently to the system identified above. Also enclosed for the benefit of the public water system is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet, U.S. EPA Small Business Resources, containing information on compliance assistance resources and tools available to small businesses. Small governments are also included under SBREFA, and the enclosed fact sheet discusses resources that may be available to small governments. Also, there is a compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN). LGEAN can be accessed at www.lgean.com or by calling (877) 865-4326. SBREFA does not eliminate any public water system's responsibility to comply with the SDWA nor does it create any new rights or defenses under law.

Please notify Olive Hofstadter of my staff at (303) 312-6467 within 20 days if your records show any discrepancies with these determinations of violation, if there is any change in the compliance status of this system, or if you have any questions or other comments. Thank you for your cooperation in this matter.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

SIGNED

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure - SBREFA (to the public water system)

cc: William J. Pecharich, Oxbow Mining LLC
Lori Gerzina, CDPHE

THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON MAY 25, 2004.



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